

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

SCUNGIO BORST & ASSOCIATES, LLC,

Debtor

Chapter 11

Case No. 22-10609 (AMC)

ORDER

AND NOW, this 24th day of May, 2022, upon consideration of the Motion of KPG-MCG Curtis Tenant, LLC (“KPG-MCG”) for an Order Modifying the Automatic Stay Under 11 U.S.C. § 362(d) to Permit the Continuation of Certain Pre-Petition Litigation for the Limited Purpose of Liquidating Claims and a Waiver of the Fourteen Day Stay of Such Order Under Federal Rule of Bankruptcy Procedure 4001(a)(3) (the “Motion”), it is hereby ORDERED that:

1. The Motion is GRANTED;
2. The automatic stay of 11 U.S.C. § 362(a) is MODIFIED to permit KPG-MCG and the Debtor’s full participation (including prosecution and defense) in the Litigation (defined below) for the purpose of liquidating claims against each other:

- a. *Scungio Borst & Associates, LLC v. KPG-MCG Curtis Tenant, LLC, et al.*, October Term 2018, Case No. M0013;
 - b. *Scungio Borst & Associates, LLC v. KPG-MCG Curtis Tenant LLC*, February Term 2019, Case No. 00666;
 - c. *KPG-MCG Curtis Tenant, LLC v. Scungio Borst & Associates, LLC, et al.*, November Term 2018, Case No. 01154; and

d. *Component Assembly Systems Inc. v. KPG-MCG Curtis Tenant LLC et al.*, Court of Common Pleas of Philadelphia County, August Term 2019, Case No. 02079 (collectively, the “Litigation”).

3. To the extent that either KPG-MCG or Component Assembly Systems Inc. (“CASI”) obtain a judgment against the Debtor in the Litigation, neither KPG-MCG nor CASI shall attempt to execute upon such judgment against any assets of the Debtor’s estate without further order of this Court.

4. The deadline by which KPG-MCG must file a proof of claim in this bankruptcy proceeding shall be extended through and including such date that is thirty (30) days after final judgment has been entered in the Litigation. For the avoidance of doubt, and in the event the Litigation is adjudicated on a piecemeal basis, the deadline by which KPG-MCG shall be required to file a proof of claim shall not occur until that date which is thirty (30) days after the final disposition of all claims at issue in the Litigation.

5. Nothing herein shall prejudice (a) KPG-MCG’s right to seek additional relief from this Court; or (b) the Debtor’s or the Committee’s rights to object to any such additional relief.

6. This order shall survive the conversion, dismissal, or termination of this bankruptcy case, and shall be binding upon the debtor and/or any trustee presently acting or subsequently appointed to this or any subsequent bankruptcy case filed by the debtor.

7. This order is not stayed pursuant to Federal Rule of Bankruptcy Procedure 4001 (a)(3) and is effective immediately.

SO ORDERED:



HON. ASHELEY M. CHAN
United States Bankruptcy Judge

AGREED TO IN FORM AND SUBSTANCE BY:

KLEHR | HARRISON | HARVEY|
BRANZBURG LLP

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*Counsel to Scungio Borst & Associates,
LLC*

Dated: May 20, 2022

Dated: May 21, 2022

OBERMAYER REBMANN MAXWELL &
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Dated: May 23, 2022